

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 4:08CR3127
)
)
Plaintiff,)
)
)
vs.) **MEMORANDUM**
) **AND ORDER**
TAM H. PHAM,)
)
)
Defendant.)

The defendant, who retained criminal defense counsel for prior proceedings, moved for a certificate of appealability ([filing 74](#)) from the court's denial ([filing 71](#)) of his 28 U.S.C. § 2255 motion ([filing 68](#)). The court denied the motion for a certificate of appealability ([filing 76](#)) and sent the defendant's notice of appeal to the Eighth Circuit Court of Appeals. The defendant has now filed a motion for leave to proceed in forma pauperis on appeal with supporting affidavit ([filing 80](#)) and prisoner account statement ([filing 81](#)). After review of the defendant's application for leave to proceed in forma pauperis, supporting affidavit, and trust account information, the motion to proceed in forma pauperis shall be granted.

IT IS ORDERED:

1. The defendant's motion for leave to proceed in forma pauperis on appeal ([filing 80](#)) is granted;

2. The Clerk of Court shall transmit a copy of this memorandum and order to the Eighth Circuit Court of Appeals.

DATED this 18th day of April, 2011.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge